

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-cv-00156-MR**

AUSTIN REID PITTMAN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU CLAWSON,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Plaintiff's Motion to Compel Defendant to Produce Requested Discovery Material. [Doc. 38].

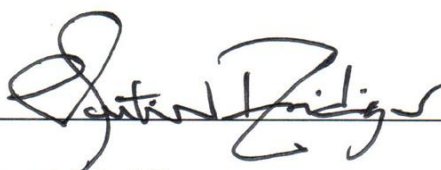
Pro se Plaintiff Austin Reid Pittman ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Central Prison in Raleigh, North Carolina. On October 19, 2022, he filed this action pursuant to 42 U.S.C. § 1983 against Defendant FNU Clawson, identified as a Correctional Sergeant at Alexander Correctional Institution, claiming Defendant Clawson violated his Eighth Amendment rights through the use of excessive force. [Doc. 1]. Plaintiff's Complaint survived initial review. [Doc. 8]. The Court recently granted Plaintiff's motion to extend the discovery deadline, which is now September 5, 2023. [6/26/2023 Text Order].

Now pending is Plaintiff's motion to compel Defendant Clawson to respond to various discovery requests by Plaintiff, including a Request for Production of Documents, a Request for Admissions, and a Set of Interrogatories. [Doc. 38]. Defendant timely responded to Plaintiff's motion. [Doc. 41]. In response, Defendant states that he timely responded to Plaintiff's discovery requests on May 25, 2023. [Id. at 1]. Defendant later learned, however, that the letter enclosing the discovery responses was separated from the 2,000-page response in the mail and Plaintiff did not receive the responses. [Id.]. Defendant has since had responses to the subject discovery requests hand-delivered to Plaintiff at Central Prison and Plaintiff signed a Receipt and Acknowledgement ("Receipt") on June 27, 2023, acknowledging that he had received them.¹ [Id. at 1; Doc. 41-2]. The Court, therefore, will deny Plaintiff's motion to compel as moot. [Doc. 38].

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel [Doc. 38] is **DENIED** as moot.

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge



¹ Defendant acknowledges that the Receipt lists only the Request for Production of Documents and Request for Admissions. He notes, however, that the Interrogatory responses "were part of the same responsive document, and therefore, Plaintiff necessarily received" those responses as well. [Doc. 41 at 2 n.1].